



M E M O R A N D U M
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR

TO: The Honorable Rebeca Sosa
Commissioner, District 6

DATE: December 22, 2004

FROM: Charles Anderson, CPA
Commission Auditor

SUBJECT: Schenley Park Issues

This is in response to the December 14, 2004 information request on your behalf by Michael Fenton concerning pending Schenley Park issues. Specifically, the request asked that we "find out any and all annexation issues/ zoning issues currently happening in Schenley Park and the area around it as soon as possible. This is to include news paper articles and any county information."

Annexation and Incorporation. The Office of Strategic Business Management (OSBM) Incorporation and Annexation Unit reports that there are no pending petitions for annexation or incorporation for the Schenley Park area. Both OSBM and Team Metro indicate that they are not aware of any such petitions in process. Team Metro noted that they have heard Schenley Park residents express concern that West Miami may attempt to annex the area. The expressed concerns involved perceptions of whether or not Schenley Park has more in common with West Miami or with Coral Gables. Miami Herald reports in 1995 indicated that the Schenley Park Homeowners' Association and Coral Gables officials discussed possible annexation into Coral Gables.

Zoning Issues.

The Department of Planning and Zoning (DP&Z) provided the attached, 2 page document listing applications involving Schenley Park or the surrounding area that are pending or were recently heard at zoning hearings (Attachment #1). DP&Z indicated that two other cases were recently heard by the Community Council and approved for offices but are not on the attached list. DP&Z will forward the additional information as soon as possible.

DP&Z reports that, after the applications had been heard and approved, a staff member received a call from a disgruntled citizen in the area who was concerned with the amount

of offices and multi-family apartment buildings. On August 15, August 29, and September 26, 2004, Miami Herald reports indicated opposition to conversion of a residence owned by Mr. Juan V. Perez into an accounting office and that the Schenley Park Homeowners Association initiated a petition drive to call attention to their opposition to the zoning proposal (Attachments #2-4). The Miami Herald article on September 26 reported that the Westchester Community Council, at a meeting in which 20 Schenley Park residents attended to speak in opposition, denied Mr. Perez' application without prejudice.

Several Schenley Park Homeowners' Association meeting announcements in the Miami Herald, dating back to 2001, have listed zoning as a topic of discussion.

Other Issues. Team Metro reports that there have been concerns expressed in the community about Miami Children's Hospital. Multiple Miami Herald articles in 1995-1999 discussed community concerns with Miami Children's Hospital-related: traffic, helicopter pad usage, expansion, and cellular telephone antenna installation. Reportedly, the Schenley Park Homeowners' Association twice filed suit against the hospital and the county over hospital expansion plans. In 1999, Miami Herald reported the Schenley Park Homeowners' Association had unsuccessfully opposed approval by the Westchester Community Council of three Sprint PCS antennas at the hospital.

Other Media. Search of the on-line archives of the Miami New Times and Miami Today did not indicate any Schenley Park related issues.

Attachments: #1 Schenley Park (and adjacent neighborhoods) Applications
#2 Alexandra Zayas. September 26, 2004. "Accountant's Request Rejected." *The Miami Herald*, Neighbors EA, p. 3E.
#3 Alexandra Zayas. August 29, 2004. "Meetings Canceled Because of No-Shows." *The Miami-Herald*, Neighbors EA, p. 3E.
#4 Alexandra Zayas. August 15, 2004. "Residents Against Office in Home." *The Miami-Herald*, Neighbors EA, p. 3E.

Attachment #1

Schenley Park (and adjacent neighborhoods) Applications

Applicant: Grupo AV, LLC

Zoning hearing application # 04-343

Property location: 5838 Devonshire Boulevard

Requesting consideration for a four-unit apartment house to be setback less than required from property lines

The property is currently zoned RU-3 which allows for the construction of a 4-unit apartment house. This zoning has been in place for many years.

Application to be heard by Community Council #10.

Applicant: Mariano Delapara

Zoning hearing application # 04-437

Property location: 3101 SW 67 Avenue

Seeking an unusual use to permit a day care center on the property.

The property is currently zoned RU-1, which allows for single family homes.

Application to be heard by Community Council 10.

Applicant: Antonio Mazzorana

Zoning hearing application #04-413

Property location: 5760 SW 34 Street

Requesting consideration for the covered terrace on the residence to be setback less than required from a property line and resulting in a greater lot coverage than permitted.

Application to be heard by Community Council #10.

Applicant: Fernando Valiente

Zoning hearing application #04-239

Property location: 6349 SW 31 Street

Seeking to allow a single family residence setback less than required from a property line and resulting in a greater lot coverage than permitted

Applicant to be heard by Community Council 10 at its January 11, 2005 meeting.

Applicant: John and Doris McGrew

Zoning hearing application #04-27

Property location: 6500 SW 28 Street

Seeking to allow an addition onto a single family residence setback less than required from property lines.

Application heard by Community Council #10 at its meeting on September 21, 2004.

The Council approved the applicant's requests with specific conditions.

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Schenley Park Applications

Applicant: Jed and Lorna Kurzban
Zoning hearing application #04-25
Property location 5800 SW 35 Street
Seeking to allow an addition onto a single family residence setback less than required from a property line.
Application heard by Community Council #10 at its meeting of September 21, 2004. The Council approved the applicant's requests with specific conditions.

Applicant: Armando Brana
Zoning hearing application: 03-319
Property location: 6470 SW 24 Street (Coral Way)
Seeking a Use Variance to permit an office building in a single family residential district. Also included in the application are various requests to permit the building setback less than required from property lines, to permit less trees and landscaping buffer than required.
Application to be heard by Community Council #10 at its January 11, 2005 meeting.

Applicant Carlos Santana
Zoning hearing application #03-248
Property location: 6255 SW 39 Street
Seeking to allow a single family residence setback less than required from property lines.
Applicant heard by Community Council #10 at its February 24, 2004 meeting. The Council approved the requests with specific conditions.

Applicant: TSR Properties, Inc.
Zoning hearing application 03-308
Property location: 6321 SW 40 Street
Seeking a rezoning from single family residential district to semi-professional office district. Also included in the application was a request to allow the site with less lot area than required for an office.
Application heard by Community Council #10 at its September 21, 2004 meeting. The Council approved the application.

ACCOUNTANT'S REQUEST REJECTED

September 26, 2004

Author: ALEXANDRA ZAYAS, azayas@herald.com

Estimated printed pages: 2

Applause filled the auditorium of West Miami Middle School on Tuesday as a roll call signaled the start of the first successful Westchester Community Council meeting since May.

"We're all very happy that we have a quorum," said Council Chairman George Alvarez.

The sudden death of member Jose Blanco, the resignation of Jesus Rodriguez and trouble replacing both men had paralyzed the council.

But those days of inertia may be over.

Alvarez introduced the council's newest member, Jose Garrido, which brings the number of seats filled to five, allowing for one absence to still maintain a quorum.

"I think it's deplorable how the community reacted and criticized what Mr. Casas and my attendance records are," Alvarez said to open the meeting. "The burden that was placed on this Community Council was abusive, I believe."

He added: "We're public servants, not public slaves."

Then it was down to business, and the Schenley Park Homeowners Association was ready to go.

Equipped with visual aids and 20 people strong, residents were there to speak against Juan V. Perez's request to turn his home on Coral Way and Southwest 62nd Avenue into an accounting office.

They feared that commercialization of the property would set a precedent for all its surrounding homes, causing cut-through traffic and parking problems for the neighborhood.

Perez's representative, Rafael Rojas, asked the council to defer the hearing so a deal could be struck with neighbors.

But the people from Schenley Park wanted the request denied immediately.

"We need to get this thing resolved," said resident Pilar Benitez.

The council agreed.

Rojas argued that despite zoning classifications, Coral Way isn't a residential street.

"Who would want their kids to drive their bikes into Coral Way?" he asked.

If the request was approved, Rojas said Perez would accept any restrictions to keep the business

He presented council members with 30 letters of support from neighbors who live on the West Miami side of Coral Way.

"There's no way any of you would want a business in your backyard, the same way we don't want a business in our backyard," she said.

"What makes our application different from the others?" Perez asked.

He added, "I think the preservation of our neighborhoods is important. There are a lot of neighbors concerned who have been living there for years. They've raised their kids there."

"It's possible that people in those neighborhoods didn't care as much as we do," Mirabal said. "Where are we going to stop? It's a matter of drawing the line. This is a neighborhood, and we want it to stay a neighborhood."

"We're ecstatic that we succeeded, and we will continue to fight to preserve our neighborhood," Mirabal said.

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America's Newspapers

MEETINGS CANCELED BECAUSE OF NO-SHOWS

Miami Herald, The (FL)

August 29, 2004

Author: ALEXANDRA ZAYAS, azayas@herald.com

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To some people in Westchester, the Community Council there has been more like the Community Cancel.

In the past year, the council has struggled to get a quorum and been forced to postpone four of its seven scheduled meetings, turning away dozens of frustrated residents.

The Aug. 19 meeting was no different as people with items on the council's mounting agenda arrived at West Miami Middle School to find only two council members present: Julio R. Caceres and Juan Carlos Acosta.

People groaned when David Hope of the county attorney's office announced that Council Chairman George A. Alvarez would be absent.

Some residents fumed. Others asked if substitutes could be used, but Hope said nothing could be done except wait until enough council members attend.

He said there might be the possibility of a special meeting to catch up on some agenda items before the regularly scheduled meeting on Sept. 21, but, as of yet, no meeting has been announced.

"This is a system that was set up several years ago. I know it's frustrating," Hope said.

Alvarez did not return a number of messages from The Herald.

Unlike other councils, like those in West Kendall, Redland and South Bay, the Westchester council has struggled with quorum problems.

According to Lourdes Avalos of Team Metro, lack of interest is the primary cause of the council's lack of members.

This year, the council has only had four of its seven seats filled, the minimum requirement for a quorum, meaning that if only one member is a no-show, the council can't address its agenda.

"The month of June is where it started to get a little panicky [for the Westchester council]," Avalos said.

Council member Jose Blanco died unexpectedly in late May, and Miami-Dade Commissioner Javier Souto made the emergency appointment of Acosta to take his place.

A week later, council member Jesus Rodriguez resigned, and the county scrambled to put out advertisements for new members, but there were no interested candidates until July, when Caceres was appointed.

The council's fifth seat has just been filled by architect Jose Garrido, and Souto is still looking for people to fill the two remaining seats.

"I don't like for meetings to be canceled," Souto said. "That's the story of all these community councils. If they don't attend, we will remove them. It's a serious problem we have. We need to keep on working it until we get it fixed."

But until they do get it fixed, Hugo D. Bosch, who has been first on the agenda for the past few months, will need to wait for permission to turn his two-family home into an office building.

Bosch was sick and unable to speak to a reporter - but his attorney was able to talk.

"He's definitely frustrated, but he's a patient person," said Tony Recio. "When [the council is] there and they act, they're very professional, but the hearings are few and far between. It's lucky it's a small property, but he's carrying the cost of that property."

Next on the agenda is Juan V. Perez, who wants to turn his Coral Way home into an accounting office, amid protests from his **Schenley Park** neighbors.

The neighbors, who showed up in strong numbers, came prepared with visual aids and signed petitions against Perez's application.

"It's very frustrating, because we go and are all prepared to do what it is you need to do, which is very difficult, and every time we go, it's something different," said resident Pilar Benitez. "It's just exasperating."

Perez said he was prepared to ask the council for a deferral and was grateful for the extra month to prepare himself for the hearing. He said he plans to meet neighbors who are opposed to his plan.

"Actually, it helped me out this time around," Perez said. "If [neighbors] know who I am and what I'm going to do, maybe their fears are going to be less."

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America's Newspapers

RESIDENTS AGAINST OFFICE IN HOME

Miami Herald, The (FL)

August 15, 2004

Author: ALEXANDRA ZAYAS, azayas@herald.com

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A group of **Schenley Park** residents say they are ready to make some noise to keep their peace.

The neighbors all live near Coral Way and Southwest 62nd Avenue, and they plan to ask the Westchester Community Council to stop a homeowner from converting his house into an accounting office.

The council - which hasn't had a quorum for the past two months - is set to meet at 6:30 p.m. Thursday at West Miami Middle School. The **Schenley Park** group wants to block a zoning change requested by resident Juan V. Perez.

If the change is approved, Perez's house would be the first on the block to become a business - a precedent that scares neighbors.

"It's a slippery slope," said neighbor Jeanette Mirabal. "One house goes commercial, and arguably other houses will request the same thing."

Perez disagrees.

"I just don't see how I'm going to pose a threat," he said. "I think that each case should be heard independently. What am I going to do different than other properties on Coral Way have done?"

Neighbors say they fear commercialization along their section of Coral Way will encourage traffic to cut through residential streets, decrease property values and increase crime in **Schenley Park** - which they say is now considered a nearly crime-free zone.

One big concern residents have is that Perez's lot doesn't have room for the 10 parking spaces required for commercial zoning - he's requesting permission for six.

"I don't know where people are going to **park**," said neighbor Pilar Benitez. "I guess they'll **park** in front of our lawns."

Perez said that because his office would only be open to a maximum of three scheduled visits a day, the six spaces would be more than enough to accommodate clients.

"It's not like I need people to **park** anywhere else," he said.

Perez says he understands that neighbors are worried more about this being the first of many businesses that could be waiting in the wings, and he would accept any restrictions that would come with the council's approval.

"I wouldn't mind that if they gave me a variance, it'd have to be a profession, not something like a day care or with full use," he said. "I understand the concerns of the area. I'm a family man,

too. I just want to be within the law."

Benitez, along with a small group of neighbors, began a door-to-door petition campaign against the zoning change when they got a notice in the mail for Perez's hearing in May.

Now, the **Schenley Park** Homeowners Association has taken the group under its wing and mailed its 800 residents the petitions, encouraging them to show up at Thursday's hearing to fight the switch.

"[People] think they can just come in and change everything," said neighbor Lourdes Naranjo. "They would never dare to go to Coral Gables and do that. Why should it happen in Miami-Dade?"

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